

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 70
AGENDA DATE: Thu 03/03/2005
PAGE: 1 of 1

SUBJECT: C14-04-0071 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8423 State Highway 71 West. (Williamson Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Council approved limited office-conditional overlay (LO-CO) combining district zoning at Second ordinance reading. Conditions met as follows: Conditional overlay incorporates the conditions imposed at second ordinance reading. Second reading on December 16, 2004. Vote: 6-0, McCracken off the dais. First reading on September 2, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Greg Guernsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0071

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 8423 State Hwy 71 West from interim - rural residence (I-RR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. The conditional overlay as approved by the City Council, limits motor vehicle trips on the property to a maximum of 2,000 per day. The agent for the property owner is requesting neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with the conditional overlay prohibiting a service station use.

DEPARTMENT COMMENTS:

At the September 2, 2004 hearing, Council requested that the applicant speak with the adjacent property owners and see if a compromise could be reached. The condominium association to the south indicated that they were content with staff's recommendation of LO, and opposed to the applicant's request of LR. The owner of the single-family home to the southwest was originally opposed but has since told staff that he was not opposed to LR-CO, prohibiting service stations. However, at this time staff does not have a letter indicating support for LR-CO.

HISTORY:

On May 15, 1985, Mr. Dement submitted a zoning application for the property, seeking a zoning change from I-RR to LO zoning. At that time, the Oak Hill Area Study was going through the process and the owner agreed to zone the property with other properties affected by the City initiated area study. As evidenced in a City Council case, the Austin City Council approved LO on first ordinance reading. At the time, the subject tract was recommended by staff subject to conditions that limited the property to a maximum floor to area ratio of .25 to 1, a maximum impervious cover of 40%, a limitation of one curb cut on Hwy 71 and compliance with the Williamson Creek Watershed regulations. Although Mr. Dement signed a restrictive covenant agreeing to the conditions, it was misplaced and the case never went forward for second and third readings. Staff therefore has agreed to initiate this case with the Zoning and Platting Commission's direction, on behalf of the property owner in order to complete the zoning that was approved on first reading in 1985.

Although the original request was for LO zoning, the property owner requested that staff notify for LR, neighborhood commercial zoning for the property. Staff posted and notified for LR. However, according to the Council adopted Area Study, the subject tract was recommended for office use.

At this time according to current Geographic Information Systems (GIS) maps, the entire site is within the 100-year flood plain (see attached flood plain map). Over four years ago the Oak Hill Regional detention facility was constructed by the City of Austin and the area is going through a reassessment of flood plain impact in this area. The property owner is currently working with the City of Austin to determine if the Oak Hill Regional detention facility has had any affect on the subject tract. The zoning staff is still waiting for information as to whether or not flood plain has been reduced on the property. This case was before Council on October of 2002, but expired due

to the study not being completed. The property owner has requested to move forward with the case even though the assessment is not done.

Staff has received a letter from the Valley View Condominium Association to the south in support of staff's recommendation of LO. In addition, they have requested that the applicant agree to a 25-foot setback along the south property line. However, after looking at compatibility, it appears that the applicant will be required to have a 25-foot buffer regardless.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Glenn Rhoades)

DATE OF FIRST READING/VOTE:

September 2, 2004 – Approved limited office-conditional overlay (LO-CO) combining district zoning on first reading (Vote: 7-0).

December 16, 2004 – Approved limited office-conditional overlay (LO-CO) combining district zoning on second reading (Vote: 7-0).

CITY COUNCIL DATE:

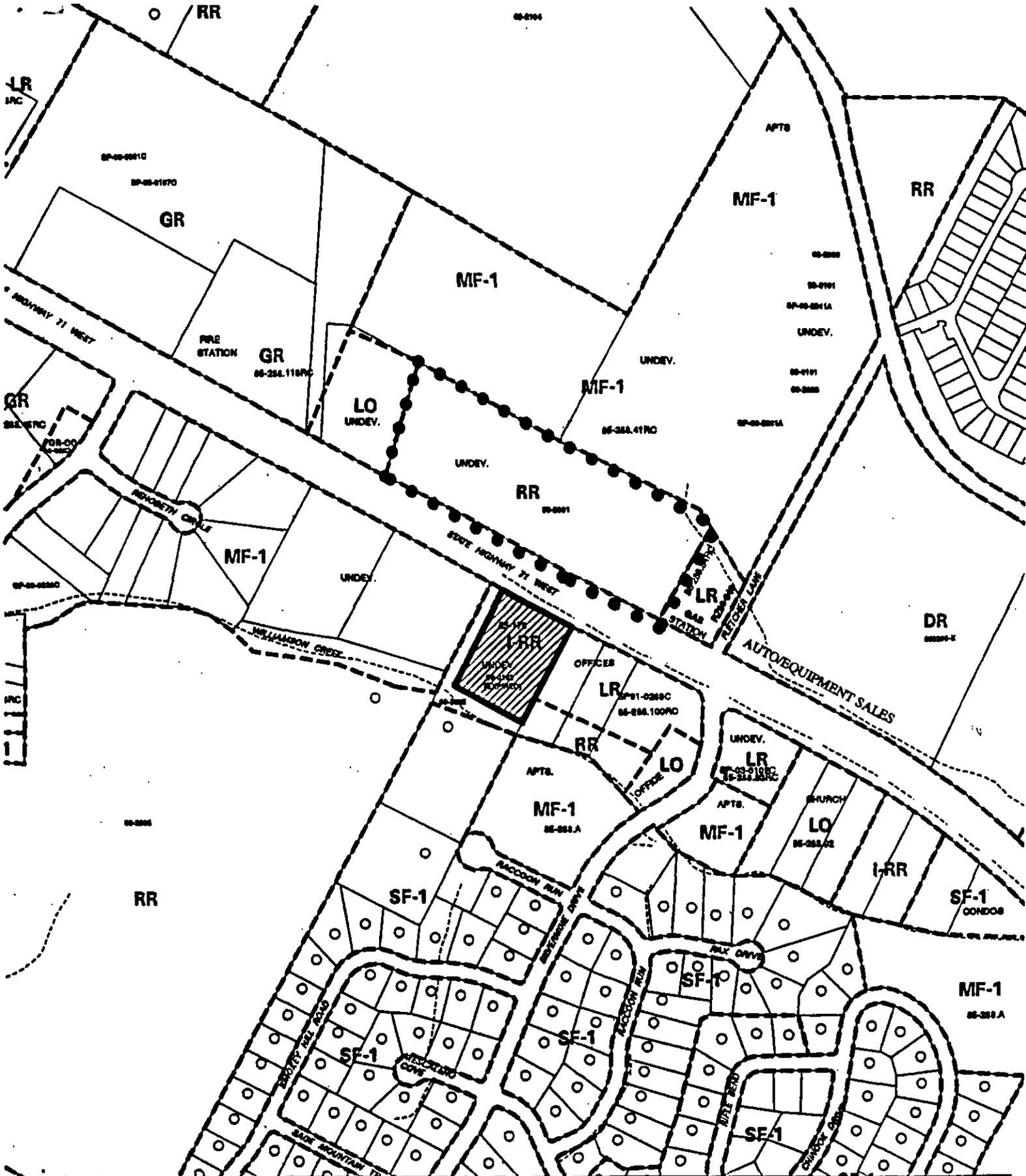
September 2, 2004 – Approved LO-CO on first reading.

December 16, 2004 – Approved LO-CO on second reading.

February 10, 2005 – Postponed 3rd reading at the request of the neighborhood to March 3, 2005

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775



	SUBJECT TRACT	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER B20
	PENDING CASE	CASE #: C14-04-0071		
	ZONING BOUNDARY	ADDRESS: 8423 W STATE HWY 71		
	CASE MGR: G. RHOADES	DATE: 04-05		
SUBJECT AREA (acres): 2		INTLS: SM		

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 8423 STATE HIGHWAY 71 WEST AND CHANGING
3 THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT
4 TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING
5 DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to limited office-
11 conditional overlay (LO-CO) combining district on the property described in Zoning Case
12 No.C14-04-0071, on file at the Neighborhood Planning and Zoning Department, as
13 follows:
14

15 Lot 1, Oak Bridge Subdivision, a subdivision in the City of Austin, Travis County,
16 Texas, according to the map or plat of record in Plat Book 87, Pages 52A and 52B,
17 of the Plat Records of Travis County, Texas, (the "Property")
18

19 locally known as 8423 State Highway 71 West, in the City of Austin, Travis County,
20 Texas, and generally identified in the map attached as Exhibit "A".
21

22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

25 A site plan or building permit for the Property may not be approved, released, or
26 issued, if the completed development or uses of the Property, considered cumulatively with
27 all existing or previously authorized development and uses, generate traffic that exceeds
28 2,000 trips per day.
29

30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the limited office (LO) base district
32 and other applicable requirements of the City Code.
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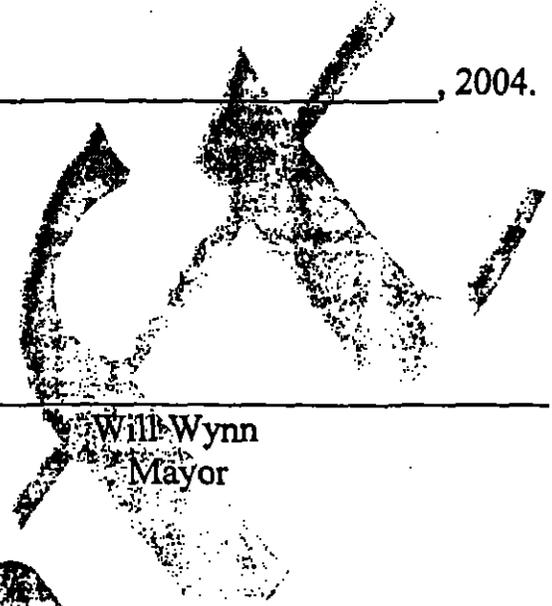
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PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

§
§
§



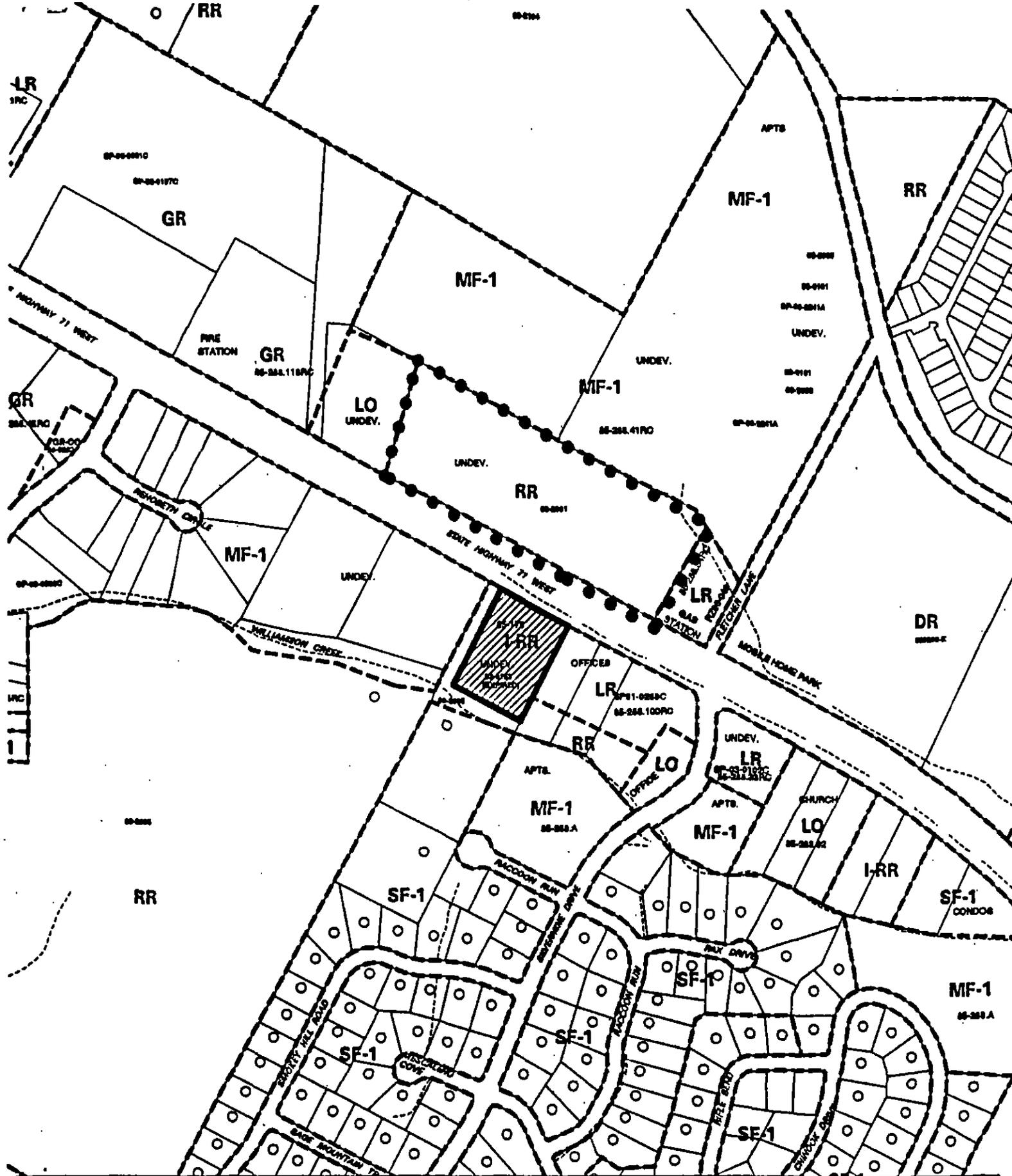
Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER B20	
	PENDING CASE 	CASE #: C14-04-0071			
	ZONING BOUNDARY 	ADDRESS: 8423 W STATE HWY 71			DATE: 04-05
	CASE MGR: G. RHOADES	SUBJECT AREA (acres): 2			INTLS: SM



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AUSTIN, TEXAS 78746

P.O. BOX 162713/78716

Phone: (512) 328-3506

Fax: (512) 328-3509

Date: 2-2-05 Job No.: 362-01-01

From: Carl Conley, P.E.

RE: Dement Zoning - Case #

COMPANY NAME:

ATTENTION:

TRANSMITTING TO FAX #:

TO: COA

Greg Greenaway

974 2269

TO: COA

Celen Rhodes

974-2269

TO: _____

Dennis Dement

776-1315

TO: _____

TO: _____

Remarks: Greg/Celen - Attached is an article from the Oak Hill Gazette (1-7-05) indicating that TexDot is starting to give additional notices to adjoining retail business that they need to relocate in the next couple of months. This reiterates what we have been saying from the beginning of this zoning case that there needs to be additional retail zoning available to accept these displaced businesses. Could you please forward this article to the Council members as part of their information packets in support of the LR request.

Thanks.
Carl.

NUMBER OF PAGES, INCLUDING COVER SHEET: 3

IF THIS TRANSMITTAL IS NOT COMPLETE, PLEASE CALL (512)328-3506

Convict Hill Shopping Center to be slated for destruction

Business owners told to make plans to vacate

by Jim Haviland

OAK HILL - TxDOT is making plans in coming months to begin demolishing business buildings in the Convict Hill Shopping Center, and tenants have been notified they will have to vacate in coming weeks.

When the Gazette first reported these plans last year, some business owners were reluctant to believe it would ever actually happen.

Don Nyland, an area engineer for TxDOT (Texas Department of Transportation) said the shopping center buildings as well as Serrano's Restaurant would be torn down to make way for a frontage road and a water detention pond at U.S. Highway 290 West near William Cannon Drive. Planning is underway by TxDOT to extend the



Project Update

290 West expressway through Oak Hill as a toll road.

"I knew this demolition of the Convict Hill Shopping Center was coming," said Cliff Anderson, a vice president of OHAN (Oak Hill Association of Neighborhoods),

"but hadn't heard the tenants in this shopping center had received notifications they will have to leave.

"I really liked the old western facade on the buildings in that shopping center," Anderson added. "It would be great to keep that character if these businesses could be relocated in some other part of Oak Hill."

Mike Tovar, owner of Lone Star Cellular, said he received a notice from the landlord that he will have to move.

"No official date was given for getting out," he told a Gazette reporter. "The closest date we got was around March 1."

Tovar said he understands that similar notices went to owners of about 10 businesses now operating in the shopping center.

Continued on page 13

Oak Hill groups work to keep Freescale Semiconductor

by Jim Haviland

OAK HILL - The Oak Hill Business & Professional Association is making a big push to keep Freescale Semiconductor Inc., a Motorola spin-off company, from moving its corporate headquarters—located in Oak Hill—away from Austin.

David Schwartz, a former OHBPA president, told organization members at their luncheon meeting Thursday (Jan. 6) at Gatti Town of the importance of keeping the Freescale corporate headquarters in Oak Hill.

Meanwhile, Cliff Anderson, a vice president of OHAN (Oak Hill Association of Neighborhoods), said organization members are expected to discuss the impact of

Austin Community College's Pinnacle campus in Oak Hill off U.S. Highway 290 West.

Freescale, which went public in July, is one of Austin's largest employers. It also is one of the region's three Fortune 500 companies.

The Freescale plant, which makes computer chips, also isn't far from where TxDOT (Texas Department of Transportation) is planning to construct U.S. Highway 290 West frontage roads as well as continue the express lanes through Oak Hill as toll roads. When Motorola formerly had the plant in Oak Hill it was concerned about the extension of the 290 West Expressway through Oak and the possibility that heavy construction nearby could cause vibration

escalate into staying here in Oak Hill in the City of Austin," Schwartz emphasized.

Anderson indicated that a move by Freescale from Oak Hill could pose serious problems for the local community.

An OHBPA member with a high tech background, who didn't want his name used, told a Gazette reporter that moving Freescale's corporate headquarters from Austin could ultimately result in its local plants, including the one in Oak Hill, also being moved away from the capital city.

This member pointed out reports that Freescale wants to build a new facility to manufacture a new type 'lineage' chip expected to have significant importance in the high

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13 ...Oak Hill Gazette Friday, January 7, 2005

Hwy. 290 - from p. 5

Another longtime Oak Hill business, Heartstrings, a craft shop, confirmed that they had received a notice similar to the one that Tovar got.

"I knew this would happen eventually," said Tovar, "but didn't expect it to come this quickly. We haven't seen anyone working around the 290 West highway to indicate this would happen so soon. Everything is up in the air about it. I know now I'll have to find a new place for my business. I'd like to be able to stay here in Oak Hill, but don't know if that will be possible."

Tovar said he understands that Serrano's Restaurant, located nearby, also will be taken down to make way for 290 West improvements.

"That restaurant was damaged by a fire just before Christmas and hasn't been open since," he explained.

Betsy Priest told a Gazette reporter that her lease for the Convict Hill Shopping Center ran out recently.

"It now reverts to the owner," she said, "who is an elderly woman who is in a nursing home in the Dallas area."

Priest said she understands that letters had been sent to people operating businesses in the shopping center notifying them that they would have to move out because of construction plans TxDOT has for the property.

Priest said she too had heard mention of a possible date around March 1 for the buildings to be vacated, but believes the tenants haven't received formal eviction notices yet.

"We need to tear these building down in the strip shopping center to make way for the frontage road and a needed water retention pond," Nyland told a Gazette reporter. "We'll begin tearing them down as soon as they be-

come empty."

Nyland confirmed that Serrano's Restaurant building is one of the structures scheduled to be torn down.

In December, Bob Daigh, chief engineer for TxDOT in the 11-county Austin region, said that public meetings would be conducted this year with interested people in the Oak Hill area to go over designs for the U.S. Highway 290 West toll road that will be constructed through Oak Hill. At that time, he told a Gazette reporter a construction schedule hasn't been set yet for this project.

Anderson, the OHAN vice president, said he hadn't heard any specifics about public meetings concerning the proposed toll road design. "All I've heard," he reported, "is that the meetings could be this spring or early this summer."

Daigh previously said the discussions would be mostly on "sensitive aesthetics" of the toll road designs, which hadn't been completed yet. One of these "sensitive aesthetics" is likely to be the fate of the ancient pecan tree surrounded by Serrano's. Local community groups have cited the historic importance of the tree to the community and have called for it to be spared.

Last summer, Austin Mayor Will Wynn, a director of CAMPO (Capital Area Metropolitan Planning Organization), said he was sympathetic to the fears of local Oak Hill residents about the design of the 290 West toll expressway through the community with possible soaring flyovers splitting Oak Hill in two.

Some local residents fear that an elevated toll road might become known as "the Great Wall of Oak Hill" and could seriously impact the community's viability.

County assessor warns of home

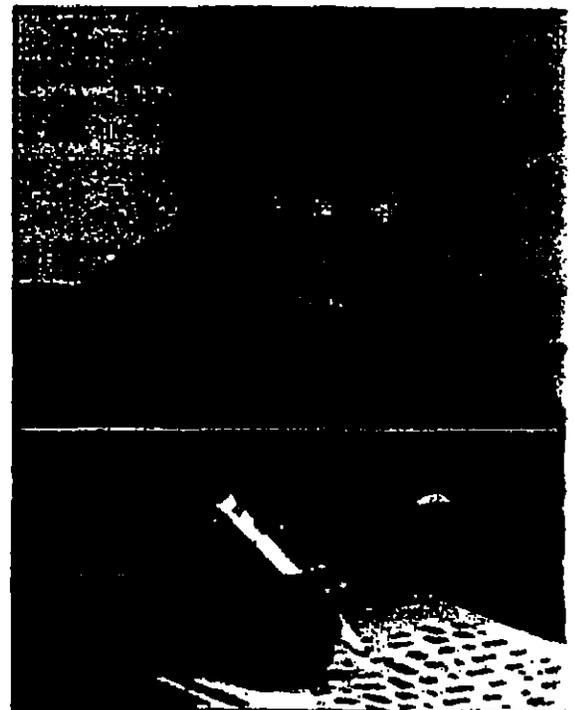
Area homeowners should beware of letters stating "IT APPEARS THAT YOU ARE OVERPAYING YOUR PROPERTY TAXES". Dozens have contacted the tax office over the past two weeks to inquire about letters they received. The letters come from businesses listing Austin and Dallas in their return address. The businesses offer to file a residence homestead exemption and they charge fees ranging from \$35 to \$55.

"There is no fee to file a residence homestead exemption and I urge homeowners to contact the tax office if they have any question about their property exemption status," says Nelda Wells Spears, Travis County Tax Assessor-Collector. "If a homeowner does not have an

exemption on file and appears qualified, we will assist their application process," she said.

The residence homestead exemption reduces the taxable value of property and effectively lowers the amount of taxes paid. Homeowners are qualified if they occupy the residence on January 1 of each year. The amount of taxes on a home located in central Travis County and valued at \$175,000 is \$4,316. With the residence homestead exemption, the amount of taxes would be \$4,446.

Austin homeowner E. Sledge contacted Travis County authorities after receiving solicitations. Mr. Sledge stated the letter looks like a government



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Phone: (512) 328-3506

Fax: (512) 328-3509

Date: 2-9-05 Job No.: 36221-01

From: Carl Conley, P.E.

RE: Demont zoning case # C14-04-0071

COMPANY NAME:	ATTENTION:	TRANSMITTING TO FAX #:
TO: <u>COA</u>	<u>Greg Guernsey</u>	<u>974-2269</u>
TO: <u>COA</u>	<u>Glen Rhodes</u>	<u>974-2269</u>
TO: _____	<u>Denise Demont</u>	<u>476-1315</u>
TO: _____	_____	_____
TO: _____	_____	_____

Remarks: Greg/Glen - asked in still more into regarding displaced businesses along 290/21 in Park Hill. This is even more reason to require LP for the subject tract. Considering the impact of the toll roads. Forcing the subject tract to LP will provide greater flexibility for these displaced businesses. Otherwise, instead of relocating closer to the 290/21 intersection, the business' will be forced to relocate further out, increasing drive distances and putting more development deeper into the Austin-Cedar Waxed Contributing Zone.

NUMBER OF PAGES, INCLUDING COVER SHEET: 4

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Tolls - from p.1

02/03 '05 10:18 NO.121 03/05

512 4761315

NINTON BURTON

exist any more as it does now.

"As a result of this highway construction some Oak Hill businesses won't exist any more," he claimed. "They're hoping people will build the businesses back up. But who would want to do that. Instead, some of the other surviving businesses probably will pick up and move elsewhere."

Precinct 3 Commissioner Gerald Daugherty in Travis County, a CAMPO director, said his look at the TxDOT drawings showed the toll way will be elevated as it goes through Oak Hill.

"There will be flyovers and ramps," he said, "and it will affect some businesses now in Oak Hill. You'd have to be brain damaged not to recognize that. But although it will be an elevated highway, I don't see it dividing Oak Hill."

"The toll road construction will be a liability to some businesses in Oak Hill," said Daugherty. "That's inevitable when you're building a toll road to do away with the present 290 West congestion. The major concern is moving traffic. You can't have it both ways."

The Precinct 3 commissioner said motorists driving the new 290 West toll way as through traffic to avoid the signal lights probably won't get off in Oak Hill to shop and do business, obviously hurting some local businesses.

He recalled the building of a Highway 71 bypass in LaGrange and the changes it brought to that community.

"With most motorists now taking the bypass," Daugherty said, "the old 71 roadway in LaGrange has become a ghost town."

"An elevated toll road will kill business in Oak Hill," predicted Ross Hodet, a Circle C neighborhood advocate and a director of People For Efficient Transportation.

He said current TxDOT plans call for an elevated toll road near where Serrano's Restaurant was located, with one part of the toll road turning at Highway 71 and going out to near where the Sonic restaurant is located.

Hodet said he understands some members of OHAN (Oak Hill Association of Neighborhoods) are interested in trying to get TxDOT to change this so all the toll highway elements aren't elevated.

"They're hoping this might save some of the local businesses that might otherwise have been driven off," said the director of People for Efficient Transportation.

Hodet said OHAN members might try to get Oak Hill Business and Professional Association members to work with them on this effort.

Oak Hill Gazette Friday, January 21, 2005... 11

Some local residents have expressed fears that the elevated toll road might become known as "the Great Wall of Oak Hill" and could seriously impact the community's viability.

Daugherty, Costello and Hodet gave their comments on the planned toll way through Oak Hill as pre-

liminary work continued this week to prepare a portion of Oak Hill for the coming construction.

Crews from Austin Energy continued with their work to move back utility poles to prepare for the frontage roads and toll lanes, with some of their work highly visible by the intersection of 290

West and Highway 71 in the heart of Oak Hill.

Meanwhile, work commenced to tear down Serrano's Restaurant near the Convict Hill Shopping Center which had been damaged by a fire just before Christmas and no longer was open for business.

There was no immediate word on

whether a historic huge pecan tree at the restaurant would be saved or cut down.

Business operators in the shopping center earlier this month received word they would have to vacate their buildings by around March 1. Indications are that not

Continued on page 20

For insurance, call 854-9473.

Tolls - cont. from p. 11

all of them would remain in the Oak Hill area.

The Gazette learned that one location in the Charvot Hill Shopping Center near 290 West and William Cannon Drive planned to move to the Brae-Casa area, which another was considering a move to North Austin. Several were trying to find new locations that might be available in Oak Hill, but weren't sure if they would be able to remain in the local community.

Bob Daigh, chief engineer for TxDOT (Texas Department of Transportation) originally said he planned to have public meetings in Jan. He said with interested people in the Oak Hill area for discussions to go over plans for the toll way and the existing roads, but that didn't happen. Later Daigh indicated those meetings would be conducted this year.

Previously, Daigh said these meetings would focus mostly on discussions of "aesthetic objectives" of the toll road design, a federal requirement for some highways.

When CAMPO directors approved the Central Texas Regional Mobility Authority's \$2.2 billion toll road plan, it added the "aesthetic" requirement for some toll roads, including the 290 West toll road going through Oak Hill.

One of the "aesthetic objectives" issue is likely to be the use of the access points tree surrounded

by Strano's Restaurant. Local community groups have cited the historic importance of this tree to the community and have called for it to be spared.

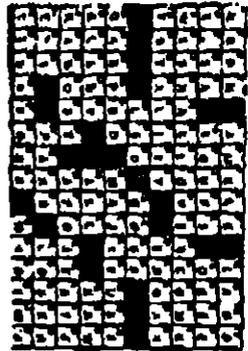
Last summer, Austin Mayor Will Whitely, a director of CAMPO, said he was sympathetic with the fears of local Oak Hill residents about the design of the 290 West toll expressway through their community, with the possibility the existing 390ers road ramps might split the community in two.

Hodges said he has heard about plans to widen Highway 290 West as it goes into Hays County toward Drifting Springs.

He said this is not as necessary because of a new Behrens subdivision now underway in Hays County. "From what I understand, Behrens will be similar to the Circle C Ranch subdivision in Southwest Austin," said Hodges, who is Circle C neighborhood advocate. "They're planning four phases for it and it is expected to get pretty large."

Hodges said he understands as Althauson superintendent will be located nearby and there also could be a demand for traffic lights in the area.

The 290 West toll road going through Oak Hill is scheduled to go just beyond FM 1826 (Camp Bro McCarlock Road). But there are future plans to extend this toll road up to the Hays County line.



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- 3. Please for relaxation
- 4. Ryukyu Islands city (Japan)
- 5. United
- 6. March (Russia)
- 7. Please on the surface of water
- 8. Sheet
- 9. Overseas post
- 10. Metro no

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MAILING LIST

Valley View Condominium Homeowners Association
6718 Silvermine Drive, Unit 1204
Austin, Texas 78736
(512) 288-3420

June 1, 2004

Mr. Glenn Rhoades
City of Austin Neighborhood Planning & Zoning Dept.
505 Barton Springs Road
P. O. Box 1088
Austin, Texas 78767-8835

VIA FACSIMILE
(512) 974-6054

RE: Case No. C14-04-0071
8423 W State Highway 71

Dear Mr. Rhoades:

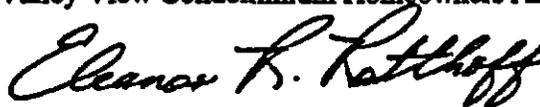
The 68 condominium owners who are members of the Valley View Village Condominium Homeowners Association have asked me to express to the City our collective concern about the captioned request for rezoning filed by Dennis Dement. We certainly recognize Mr. Dement's need to make productive use of his property, but we are concerned about potential adverse impact both on the surrounding residential neighborhood and on Williamson Creek which is of course adjacent to the property.

It should be noted that the intensity of uses on the south side of Highway 71 is much less than it is on the north side of the highway. At a minimum, that is a situation that needs to be preserved.

We support the City's recommendation of LO classification for the property, rather than the LR classification which was originally requested. In addition, we strongly request that a requirement be imposed for a 25-foot vegetative bumper along the creek at the rear of the property. Such a bumper would protect the wildlife along the creek, provide noise abatement, and help to preserve the residential character of the surrounding neighborhood.

Thank you for your attention to our concerns.

Sincerely,
Valley View Condominium Homeowners Asso.



By: Eleanor R. Rotthoff, President

233-0075 (Fax)

bill.schultz@varizon.net

June 14, 2004

Mr. Glenn Rhoades
Neighborhood Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-8818

VIA FAX: 974-6054

RE: 8423 Hwy. 71 West
Rezoning from RR-1 to LR
COA Case No. C14-04-0071GR

Dear Mr. Rhoades,

As owner of properties along Hwy. 71 in the Covered Bridge Subdivision immediately to the west of the Dement Tract described in Zoning Case No. C14-04-01GR, I am not in support of the rezoning of the subject tract to LR-Neighborhood Commercial without any (many) conditional overlays. I have spoken to Dennis Dement and I believe that with some extra time some conditional overlays with LR can be achieved, otherwise I would support LO. This portion of Hwy. 71 is in need of both office and retail sites to accommodate the current commercial uses along Hwy. 71 and Hwy. 290 that are being displaced by impending highway improvements in the Oak Hill area.

Please call me if you have any further questions regarding this matter.

Sincerely,



William D. Schultz
266-4749

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0071

Z.A.P. DATE: June 15, 2004

July 20, 2004

August 3, 2004

C.C. DATE: September 2, 2004

December 16, 2004

February 10, 2005

March 3, 2005

ADDRESS: 8423 State Highway 71 West

APPLICANT: City of Austin

AGENT: NPZD

(Glenn Rhoades)

ZONING FROM: I-RR

TO: LR

AREA: 2 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is limited office-conditional overlay (LO-CO) combining district zoning. The conditional overlay will limit the property to 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

June 15, 2004 – Postponed at the request of the applicant to July 20, 2004 (Vote: 9-0).

July 20, 2004 – Postponed at the request of the property owner to August 3, 2004 (Vote: 8-0, J. Pinnelli – absent).

August 3, 2004 – Approved limited office-conditional overlay (LO-CO) district zoning (Vote: 8-0, J. Pinnelli – absent).

ISSUES:

At the September 2, 2004 hearing, Council requested that the applicant speak with the adjacent property owners and see if a compromise could be reached. The condominium association to the south indicated that they were content with staff's recommendation of LO, and opposed to the applicant's request of LR. The owner of the single-family home to the southwest was originally opposed but has since told staff that he was not opposed to LR-CO, prohibiting service stations. However, at this time staff does not have a letter indicating support for LR-CO.

HISTORY:

On May 15, 1985, Mr. Dement submitted a zoning application for the property, seeking a zoning change from I-RR to LO zoning. At that time, the Oak Hill Area Study was going through the process and the owner agreed to zone the property with other properties affected by the City initiated area study. As evidenced in a City Council case, the Austin City Council approved LO on first ordinance reading. At the time, the subject tract was recommended by staff subject to conditions that limited the property to a maximum floor to area ratio of .25 to 1, a maximum impervious cover of 40%, a limitation of one curb cut on Hwy 71 and compliance with the Williamson Creek Watershed regulations. Although Mr. Dement signed a restrictive covenant agreeing to the conditions, it was

misplaced and the case never went forward for second and third readings. Staff therefore has agreed to initiate this case with the Zoning and Platting Commission's direction, on behalf of the property owner in order to complete the zoning that was approved on first reading in 1985.

Although the original request was for LO zoning, the property owner requested that staff notify for LR, neighborhood commercial zoning for the property. Staff posted and notified for LR. However, according to the Council adopted Area Study, the subject tract was recommended for office use.

At this time according to current Geographic Information Systems (GIS) maps, the entire site is within the 100-year flood plain (see attached flood plain map). However, over four years ago the Oak Hill Regional detention facility was constructed by the City of Austin and the area is going through a reassessment of flood plain impact in this area. The property owner is currently working with the City of Austin to determine if the Oak Hill Regional detention facility has had any affect on the subject tract. The zoning staff is still waiting for information as to whether or not flood plain has been reduced on the property. This case was before Council on October of 2002, but expired due to the study not being completed. The property owner has requested to move forward with the case even though the assessment is not done.

Staff has received a letter from the Valley View Condominium Association to the south in support of staff's recommendation of LO. In addition, they have requested that the applicant agree to a 25-foot setback along the south property line. However, after looking at compatibility, it appears that the applicant will be required to have a 25-foot buffer regardless.

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	RR, LO LR	Undeveloped Gas Station
<i>South</i>	SF-1 MF-1	Single Family Condominiums
<i>East</i>	LR	Offices
<i>West</i>	MF-1	Undeveloped

AREA STUDY: Oak Hill Area Study

TIA: N/A

WATERSHED: Williamson Creek (BSZ)

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- #384 – Save Barton Creek Association
- #385 – Barton Springs Coalition
- #459 – Wynnrock Area Neighborhood Association
- #605 – City of Rollingwood
- #639 – Hill Country Estates Homeowners Association
- #943 – Save Our Springs Association

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-98-0203	MF-1 to GR	Approved GR-CO. The CO limited vehicle trips to 2,000 per day (Vote: 9-0). 1/19/99'	Approved PC recommendation (Vote: 7-0). 2/25/99.
C14-99-0101	LR to MF-1-CO	Approved MF-1-CO. The CO limits impervious cover to 25% (Vote: 6-0). 6/22/99.	Approved PC recommendation (Vote: 6-0). 7/22/99.
C14-00-2001	I-RR to RR	Approved RR (Vote: 7-0). 3/21/00	Approved PC recommendation (Vote: 7-0). 4/20/00
C14-00-2088	MF-1-CO to MF-1	Approved MF-1 (Vote: 8-0). 6/13/00.	Approved PC recommendation (Vote: 7-0). 6/22/00
C14-00-2104	I-RR and RR to MF-1-CO	Approved MF-1-CO. The CO limits trips to 2,000 per day and prohibits access to Mountain Crest drive and Sky Mountain Drive (Vote: 7-0). 7/11/00	Approved PC recommendation (Vote: 6-0). 11/30/00
C14-02-0153	I-RR to LR	Expired	
C14-04-0068	RR to CS	The applicant for this case originally requested CS zoning. However, the property owner has amended the request to LO-MU. The case was postponed indefinitely at the request of the applicant at the 8/17/04 ZAP hearing.	

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
State Highway 71 West	160'	75'	Freeway	N/A

CITY COUNCIL DATE: September 2, 2004

December 16, 2004

February 10, 2005

ACTION: Approved LO-CO (Vote: 7-0).
The CO limits trips to 2,000 per day.

Approved LO-CO (Vote: 7-0).
The CO limits trips to 2,000 per day.

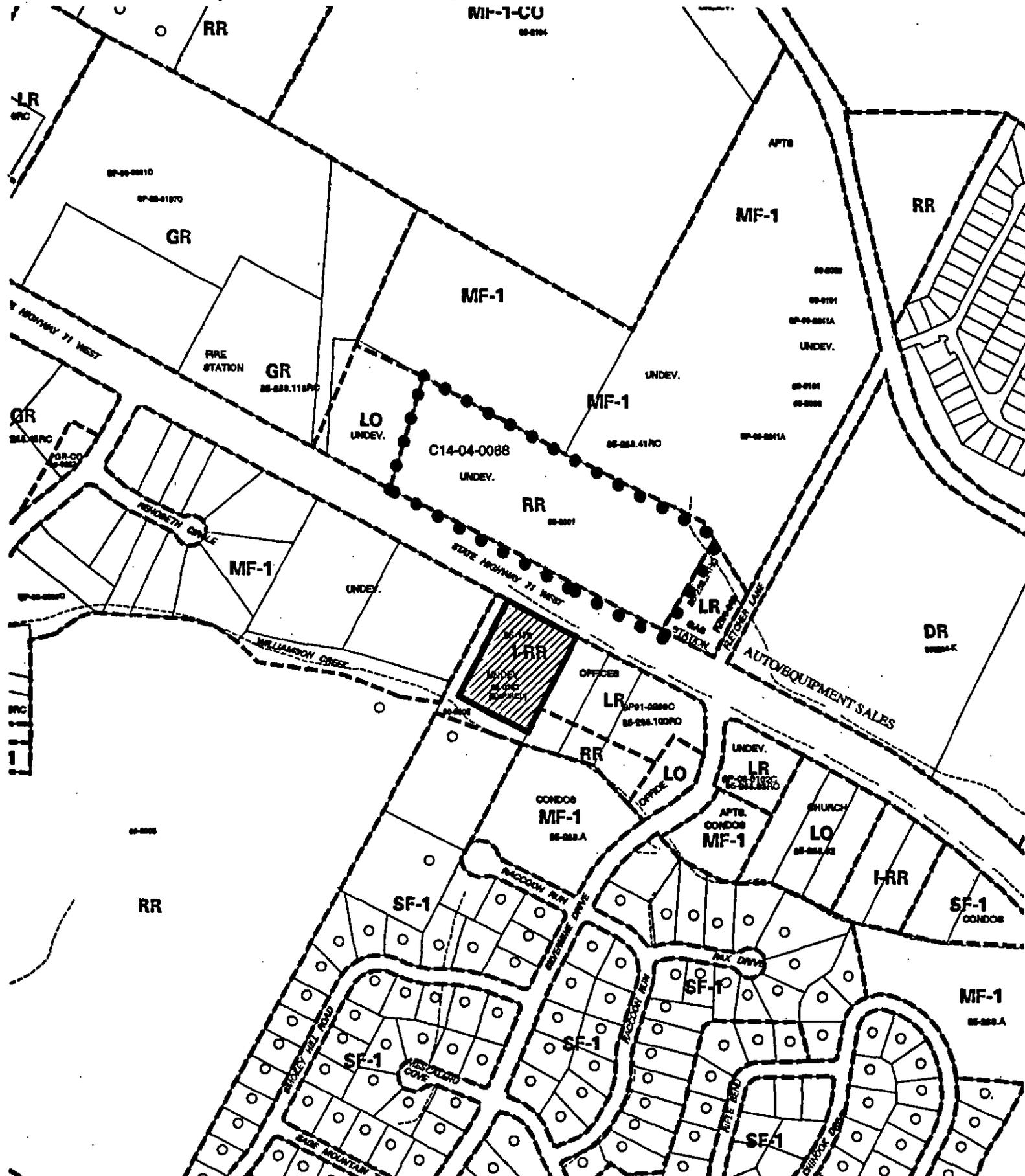
Postponed at the request of the neighborhood (Vote: 7-0).

ORDINANCE READINGS: 1st 9/2/04 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



MF-1-CO
00-0704

00-00-0010
00-00-01070

C14-04-0088
UNDEV.

MF-1

RR

FIRE STATION
GR
00-00-11000

MF-1

00-0000
00-0101
00-00-0011A
UNDEV.
00-0101
00-0000

MF-1

UNDEV.

RR
00-0001

LR

DR
00-0000

OFFICES
LR
00-01-0000C
00-00-1000D

RR

LO

UNDEV.
LR
00-01-0000

CONDOS
MF-1
00-00-00A

APT'S
CONDOS
MF-1

CHURCH
LO
00-00-00A

I-RR

SF-1
CONDOS

RR

SF-1

CONDOS
MF-1
00-00-00A

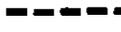
MF-1
00-00-00A

CASE #: C14-04-0071
ADDRESS: 8423 W STATE HWY 71
SUBJECT AREA (acres): 2

DATE: 04-08
INTLS: SM

CITY GRID
REFERENCE
NUMBER
B20

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: G. RHOADES



ZONING

1" = 400'

Floodplain Map





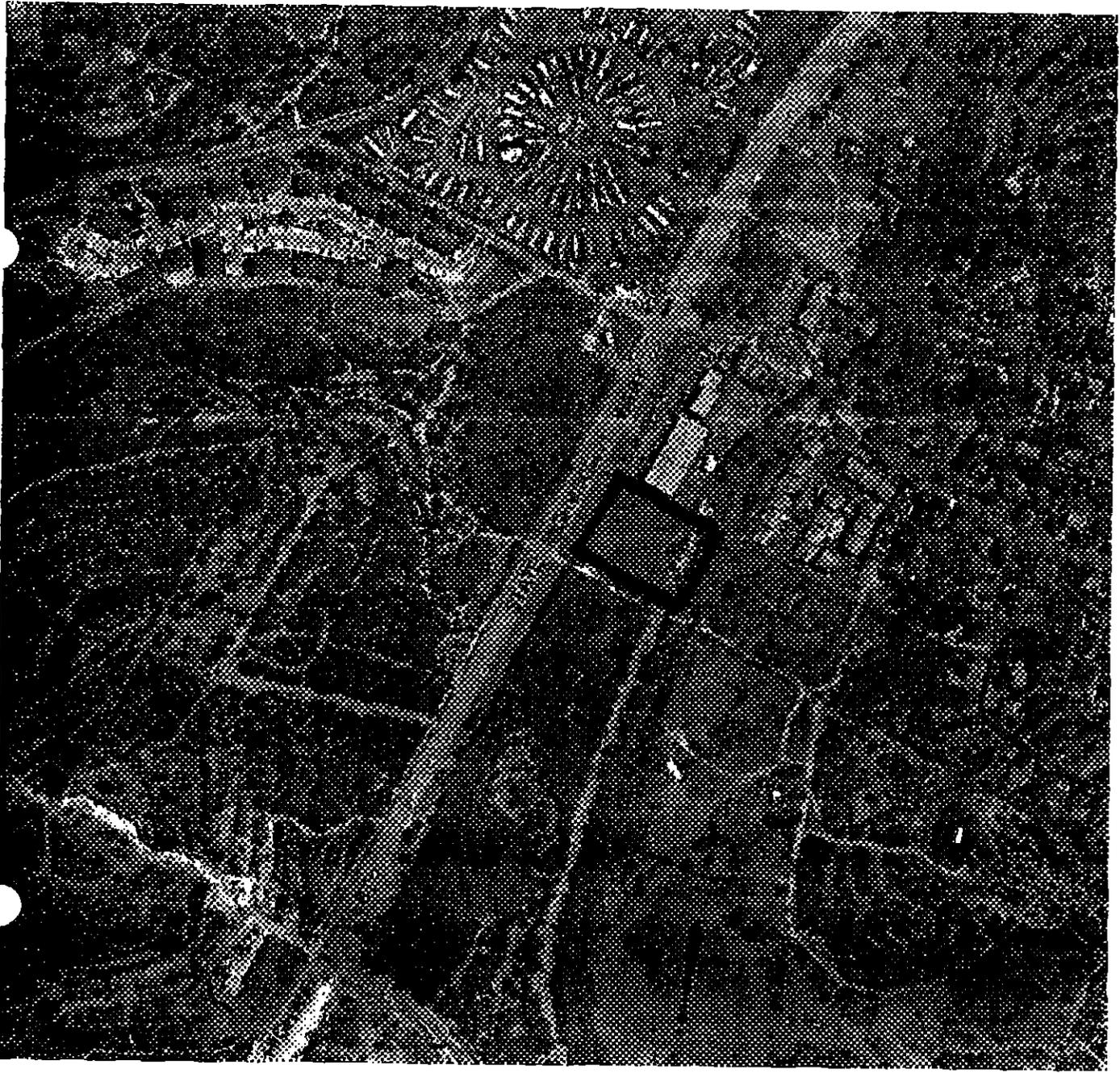
City of Austin Infrastructure Support Services

Case C14-04-0071

Base
Subdivision



This map has been created by the staff of
Austin as a base map and is not
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made by the City regarding its accuracy or
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Infrastructure Support Services,
City of Austin.



STAFF RECOMMENDATION

Staff's alternate recommendation is limited office-conditional overlay (LO-CO) combining district zoning.

BASIS FOR RECOMMENDATION

The proposed zoning should be consistent with the purpose statement of the district sought.

Limited Office district zoning is the designation for an office use that serves neighborhood or community needs and is located in or adjacent to residential neighborhoods.

The Oak Hill Area Study recommended office zoning for this tract and staff is being consistent with what was recommended with the study (see attached study). Since the case was never followed through, staff is recommending the original request, which was recommended by Planning Commission and approved on first reading by City Council in 1985.

In the immediate vicinity, the zoning has generally stayed consistent with what was recommended in the Oak Hill Area Study, with the exception of the LR tracts to the west at the intersection of Silvermine Drive and Hwy 290. Although the zoning to the west is LR, it appears that the building is for an office use.

LO zoning would give the applicant a fair and reasonable use of the property. It will potentially service nearby residences and is consistent with other nearby office uses.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped.

Transportation

The trip generation under the requested zoning is estimated to be 900 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

There are no existing sidewalks along State Highway 71 West.

There are no bike routes in this general area..

Capital Metro bus service is not available within 1/4 mile of this property.

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for State Highway 71. If the requested zoning is granted, then 200 feet of right-of-way reserved from the existing centerline of SH 71 West in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

Impervious Cover

This site is not located over the Southern Edward's Aquifer Recharge Zone. The site is located over the Southern Edward's Aquifer Contributing Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the SOS Ordinance which allows 25% impervious cover in the contributing zone.

Environmental

According to flood plain maps, there is flood plain within the project location. There is also Critical Water Quality Zone and Water Quality Transition Zone within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustment, or utility relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water utility. The utility construction must be inspected by the City. The utility plan must be in accordance with the City's utility design criteria and specifications.

Compatibility Standards

The site is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

APPROVAL OF MINUTES

2. Approve Zoning and Platting Commission minutes for July 20, 2004 & July 26, 2004, Special Called Meeting.

APPROVED JULY 20, 2004 MINUTES; BY CONSENT.

[J.M.; J.G 2ND] (8-0) J.P - ABSENT

APPROVED JULY 26, 2004 SPECIAL CALLED MTG. MINUTES; BY CONSENT.

[J.M.; J.G 2ND] (7-0-1) J.D - ABSTAINED; J.P - ABSENT

DISCUSSION AND ACTION ON ZONING CASES**CONTINUED CASES**

3. C814-98-0001.01 - SOUTHWEST MARKETPLACE, By: Hay Barn, Ltd. (Carey P. Brownlee), Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann), 4201 - 4515 West William Cannon Drive & 6900-7238 S. Mopac. (Williamson Creek Watershed - Barton Springs Zone). FROM PUD TO PUD TO CHANGE THE CONDITONS OF ZONING. THIS PROPERTY, LOCATED IN THE BARTON SPRINGS ZONE, HAS BEEN PROPOSED FOR A ZONING CHANGE THAT WILL: 1) MODIFY THE ORIGINAL CONDITIONS OF ZONING, AND 2) MODIFY THE APPLICATION OF CHAPTER 25-8, ARTICLE 12 (SAVE OUR SPRINGS INITIATIVE). RECOMMENDED. City Staff: Wendy Walsh, 974-7719. POSTPONED FROM 5-18 (APPLICANT), 6-15 (STAFF), 7-20 (APPLICANT & STAFF).

APPROVED STAFF'S RECOMMENDATION FOR PUD ZONING; BY CONSENT.

[J.M.; J.G 2ND] (8-0) J.P - ABSENT

4. C14-04-0071 - DENNIS DEMENT & ASSOCIATES (Dennis Dement), By: City of Austin - Neighborhood Planning & Zoning Department (Glenn Rhoades), 8423 State Hwy. 71 West. (Williamson Creek). FROM I-RR TO LR. ALTERNATE RECOMMENDATION: LO-CO. City Staff: Glenn Rhoades, 974-2775. POSTPONED FROM 6-15 (STAFF), 7-20 (APPLICANT).

APPROVED LO-CO ZONING.

[K.J.; B.B 2ND] (8-0) J.P - ABSENT

A D D E N D U M
CITY ZONING AND PLATTING COMMISSION
APRIL 2, 2002 [ANNOTATED]
ONE TEXAS CENTER
505 Barton Springs Road, Room 325
3rd Floor Conference Room

CALL TO ORDER – 6:00 P.M.

THE FOLLOWING ITEMS WERE INADVERTENTLY LEFT OFF THE AGENDA

DISCUSSION AND ACTION

- 2a. Discussion and action on a request to initiate the zoning of property locally known as 8423 State Highway 71 West (Williamson Creek Watershed) from I-RR, Interim-Rural Residence District zoning to LO, Limited Office District zoning. Property Owner: Dennis Dement. City Staff: Gregory Guernsey, 974-2387.

APPROVED BY CONSENT.

[J.MARTINEZ, A.A 2ND] (7-0) M.C, V.A – ABSENT

POSTED: March 29, 2002

TIME: 4:00 P.M.

**ZONING AND PLATTING
COMMISSION**

APRIL 2, 2002

LATE SUPPORT MATERIAL



2a
1

MEMORANDUM

To: Betty Baker, Chair
and Members of the Zoning and Platting Commission

From: Gregory Guernsey, AICP, Development Services Manager
Neighborhood Planning and Zoning Department

Date: March 28, 2002

Subject: 8423 State Highway 71 West
Lot 1, Oak Bridge Subdivision, Travis County, TX.

Please accept this memo as a request to initiate the zoning of the above referenced property from I-RR, Interim-Rural Residence district, zoning to LO, Limited Office district, zoning. On May 15, 1985, Mr. Dennis Dement submitted zoning application (including a \$1,675.00 fee) for the referenced property (file #C14r-85-176). During the summer of 1985, the Oak Hill Area Study was in process and accommodated by a massive zoning case. Mr. Dement agreed to zone his property with other properties affected by the City initiated area study and assigned a new case number (file #C14-85-288.194).

As evidenced in a City of Austin case file, the Austin City Council approved on his property for LO, Limited Office district, zoning on first ordinance reading. The zoning was recommended by Staff subject to conditions that limited the property to a maximum floor-to-area ratio of 0.25 to 1, a maximum impervious cover of 40%, a limitation to one curb cut to S.H. 71 West and compliance with the Williamson Creek Watershed regulations. Although Mr. Dement signed a restrictive covenant agreeing to these conditions and had it delivered to City Staff, the zoning case was not scheduled for final ordinance approval and subsequently expired.

Therefore, Staff is requesting the Zoning and Planning Commission initiate a new zoning application, so the Mr. Dement does not incur an additional expense in permanently zoning his property. If you have any questions, please contact me at (512) 974-2387.

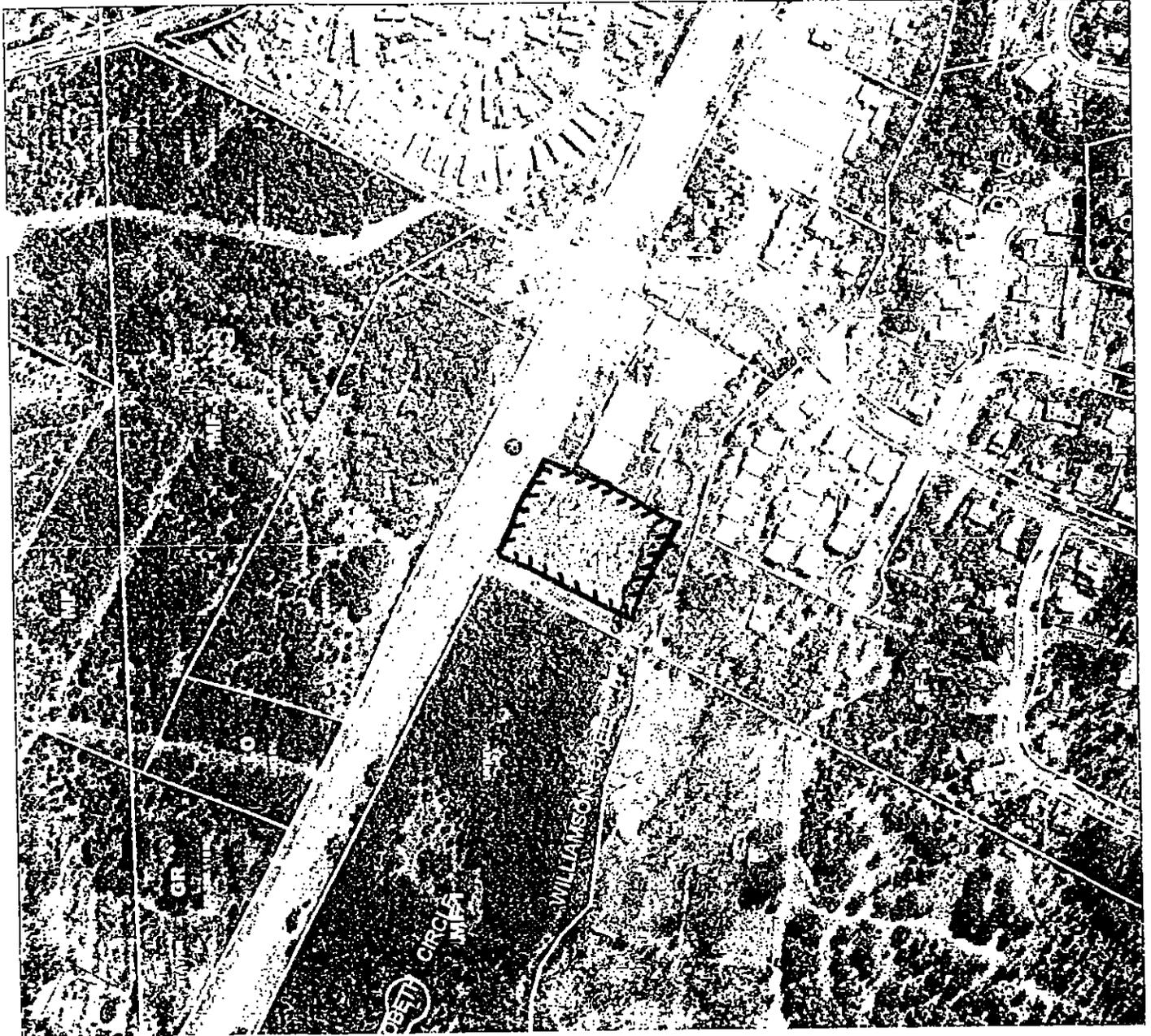
Gregory Guernsey, AICP, Development Services Manager
Neighborhood Planning and Zoning Department

Attachment(s): Maps
Dennis Dement Letter & attachments



City of Austin Infrastructure Support Services

8407 U.S. Highway 71 West



700mg
4000



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20
2

3

2/3

1
LO
UNDEV.

UNDEV.

MF-1

85-288.41RC

SP-00-22

UNDEV.

RR

00-2001

STATE HIGHWAY 71 WEST

UNDEV.

14

85-288.34RC
LR

GAS
STATION

R288-049

MOBI.

C14-85-288.194

I-RR
1

UNDEV.
85-176

B
OFFICES

2

LR
1

SP91-0269C
85-288.100RC

00-2005

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85-288.3

APTS.

LO

OFFICE

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85-288.A

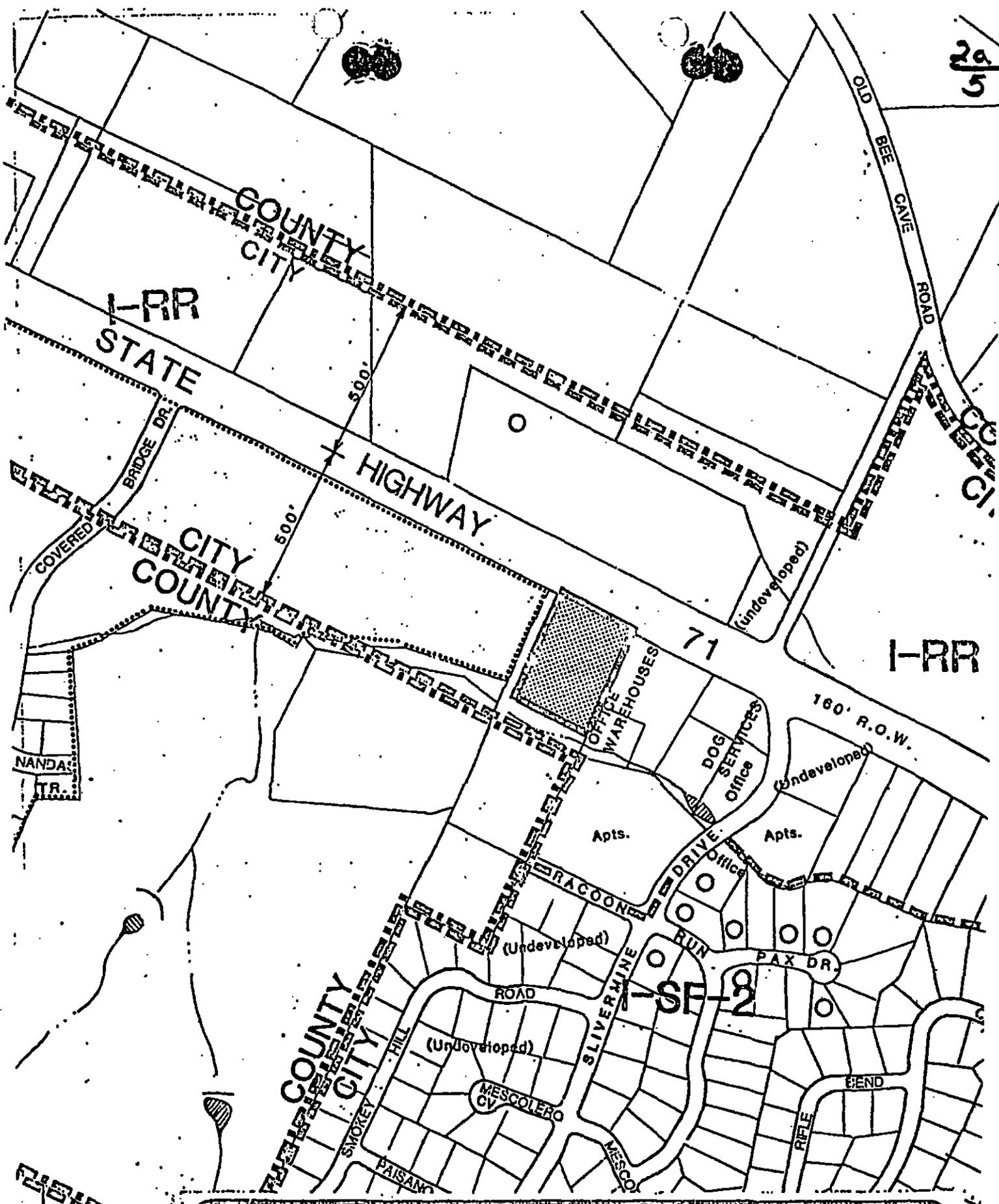
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MF-1

20

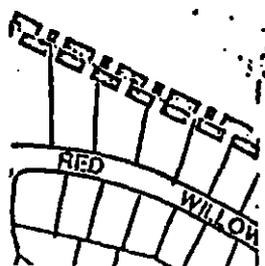
3

RACCOON





 NORTH	PENDING CASE	SUBJECT TRACT	GRID
	ZONING LINE	SUBJECT ACREAGE 2.0 AC.	B
	CYCLE 7/85 INTLS RS	CASE NO: C14r-85-176	20



2a
6

DENNIS D. DEMENT AND ASSOCIATES

1100 Guadalupe
Austin, Texas 78701
(512) 476-4873

February 29, 2000

Mr. Ben Heinsath
Chairman, Comprehensive Plan Subcommittee
City of Austin
One Texas Center, 4th Floor
Austin, Texas

Re: Lot 1 of the Oak Bridge Subdivision
In the Plat records of Travis County, Texas
In book 87, page 52A-52B

Dear Mr. Heinsath:

This letter is written and is intended as an official request to change the zoning from IRR to LO on the above described property.

This property was approved as a subdivision by the City Planning Commission on December 9, 1986. The city required specified land usage of all three (3) lots in this three (3) lot subdivision. This was indicated on page 2 of the plat that is recorded in volume 87, page 52B of plat records. This was also indicated on the signature page for Chairman Mary M. Arnold and Secretary J.M. Goodman (see attachment # 1, C8s-86-018). Lot 1 had frontage on SH 71 and was designated as a commercial lot on the approved subdivision plat.

In April of 1986, the Oak Hill area study for rezoning (C14-85-288) of proposed land being annexed by the City of Austin had progressed to the point that certain recommendations had been documented. The study recommended that Lot 1 of Oak Bridge Subdivision be zoned LO as is reported in the attached 5 page study (see attachment # 2). Lot 1 of Oak Bridge is described on E-10, page 3 of the study. The staff recommendation was LO with two (2) conditions: (a) maximum impervious cover of 35%, (b) limited to one curb cut along SH 71. The property described in E-10 on page 3 can be found on the city map dated April 16, 1986, which is located in the City of Austin office.

During the summer of 1987, I was contacted by the City of Austin with regard to the recommended LO zoning of property under the Oak Hill study. The City was told that there would be no objection to LO zoning and we would not initiate a separate zoning request. We agreed to be included in the Oak Hill area rezoning under C14-85-288.194.

The City sent a Restrictive Covenant for our signatures as is indicated on the three (3) page Oak Hill Restrictive Covenants status report dated September 8, 1987 (see attachment # 3). This indication that the Restrictive Covenant was sent is located on page

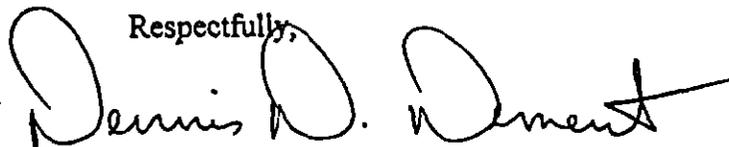
3 of the report. The Restrictive Covenant was signed, notarized, and hand delivered to the City of Austin offices located at 301 West 2nd Street. A copy of the covenant is attached to and made part of this letter (see attachment # 4). The hand delivery slip to the City of Austin was addressed to Ida Meehan and was signed for by Carol Kane (see attachment # 5).

In the past, I've met with Gregory I. Guernsey, a Principal Planner with the Development Review and Inspection Department with the City of Austin. Mr. Guernsey has been very helpful in researching the documentation of the zoning status of this property. Mr. Guernsey has also told me that with his knowledge of the facts surrounding the paperwork in this case, it appears that somehow, the Restrictive Covenant was misplaced after being delivered to Ida Meehan. The property was therefore inadvertently left out of the blanket zoning in C14-85-288. Mr. Guernsey has also said that after review of the facts, his office would not oppose the zoning status of the property to be changed to LO.

I respectfully request your review of the documented events and efforts on our part to comply with the City of Austin. We are not asking for any more than what was originally recommended by the City under the Oak Hill area study and by all rights, this property should have been zoned LO years ago. I submit that we did everything requested of us and am asking the Comprehensive Plan Subcommittee and Planning Commission to change the zoning to LO without further application or fee.

I thank you in advance for your immediate attention to this matter. Please contact me at 476-8453, or my office at 1100 Guadalupe, Austin, Texas 78701 if you have any questions.

Respectfully,



Dennis D. Dement

CC: Greg Guernsey

Dennis Dement and Associates

1100 Guadalupe
Austin, Texas 78701
(512) 476-8453

Pick Up & Delivery Receipt

Date: 3-1-00 Time: 4:00 PM

From: Dennis D. Dement

Deliver To: Mr. Ben Heinsath
 Pick Up From: _____

Name: Nikki Hoelter ^{C/O}

Address: 505 Barton Springs Rd
One Texan Ctr 4th Fl.

Need By: ASAP

Special Instructions: Any one may sign

Delivered by: _____

Received by: Pam Pruston

Date: 3-01-00 Time: _____

DENNIS D. DEMENT AND ASSOCIATES

1100 Guadalupe
Austin, Texas 78701
(512) 476-8453

April 13, 2001

Mr. Ben Heinsath
Chairman, Comprehensive Plan Subcommittee
City of Austin
One Texas Center, 4th Floor
Austin, Texas

Re: Lot 1 of the Oak Bridge Subdivision
In the Plat Records of Travis County
Texas Book 87, Page 52A and 52B

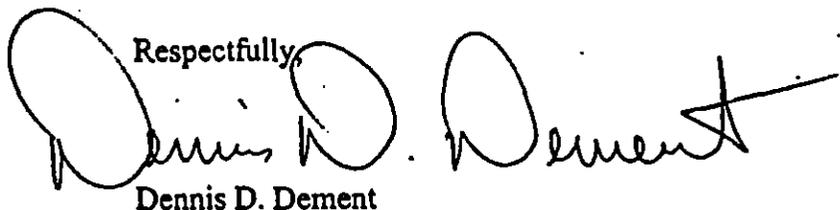
Dear Mr. Heinsath:

Attached is a copy of a letter sent to you February 29, 2000 addressing certain rezoning issues with regard to the above described property. I never received a response to the previous letter.

Please contact me at your earliest convenience or at the least, have one of your staff representatives call or write. This unsolved issue has lingered long enough and needs to be corrected.

I can be reached at 1100 Guadalupe, Austin, Texas 78701, or (512) 476-8453. Your immediate attention to this matter would be greatly appreciated.

Respectfully,

A handwritten signature in black ink that reads "Dennis D. Dement". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Dennis D. Dement

4110
Speedway

Dennis Dement and Associates

1100 Guadalupe
Austin, Texas 78701
(512) 476-8453

Pick Up & Delivery Receipt

Date: 4-13-01 Time: 12:05 PM

From: Dennis D. Dement

Deliver To: City of Austin
 Pick Up From: Comprehensive Plan Sub-Committee

Name: Mr. Ben Heinsath

Address: One Texas Center 4th Floor

Need By: 3:00 PM 505 Barton Springs Rd.

Special Instructions: Anyone may sign

Delivered by: Leah Carroll

Received by: _____

Date: _____ Time: _____

This letter to Heinsath was left on his residence porch by Leah Carroll on 4-13-01.

DENNIS D. DEMENT AND ASSOCIATES

29
11

1100 Guadalupe
Austin, Texas 78701
(512) 476-4873

February 29, 2000

Mr. Gregory I. Guernsey, AICP
Principal Planner
Development Review and Inspection Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas

Re: Lot 1 of the Oak Bridge Subdivision
In the Plat records of Travis County, Texas
In book 87, page 52A-52B

Dear Greg:

I met with you and Duncan Muir about this property on a couple of occasions back in 1997. It was then that the recommendation to write Chairman Walter Brown was first proposed. For various reasons this was never done, but most recently it has become more important to attempt to get this zoning changed to LO. I have included, for your review, everything that is being sent to Chairman Ben Heinsath. As you will see in my letter, I included that you had previously told me that based on facts and history of this property, you would not oppose the LO zoning. This, of course, was due to the fact that it had been recommended under the Oak Hill area study and had been inadvertently left out. I was not attempting to speak for you, but thought it important to include the research and efforts that had been made in an effort to document the history of this property.

Thank you for the help and courtesy you have shown in the past. Please call with any questions you might have. I can be reached in my office at 476-8453.

Respectfully



Dennis D. Dement

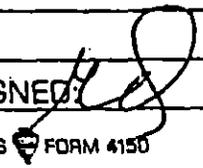
MEMORANDUM

DATE: 3-2-00 RE: 7:35
TO: DDD

Gregg Guernsey
City of Austin

"I did receive your
package"

444-2387

SIGNED: 
TOPS FORM 4150

PLEASE REPLY NO REPLY NEEDED

RESTRICTIVE COVENANT

OWNERS: A. D. S. General Partnership
OWNER'S ADDRESS: 8407 Highway 71 West, Austin, Texas, 78735
CONSIDERATION: One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.
PROPERTY: Lot 1 of the Oak Bridge Subdivision as recorded in the Plat Records of Travis County, Texas in Book 87, Page 52A-52B.

Owner of the Property, for the consideration, impresses the Property with these covenants and restrictions running with the land:

1. The Property shall be limited to a maximum of .25 to 1 floor to area ratio as defined by Section 1212 of Chapter 13-2A of the Austin City Code.
2. Maximum impervious coverage of the Property shall be 40 percent.
3. The Property shall be limited to one curb cut along State Highway 71.
4. Development of the Property shall be in compliance with Sections 9-10-171 through 9-10-230 and Sections 13-3-401 through 13-3-475 of the Austin City Code, which regulate site development and subdivisions in the Williamson Creek Watershed.
5. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
6. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
7. If at any time the City of Austin, its successors or assigns, fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
8. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 31st day of January, 1987.

Elry A. Hudson
Elry A. Hudson, General Partner

Artie Hudson
Artie Hudson, General Partner

Dennis D. Dement
Dennis Dement, General Partner

THE STATE OF TEXAS

This instrument was acknowledged before me on January, 1987, by Elry A. Hudson, a general partner, on behalf of A. D. S. General Partnership, a partnership.

Bennie Anderson
Notary Public, State of Texas

BENNIE ANDERSON
Notary Public, State of Texas
My Commission Expires 5-04-89

Notary's name (printed)

My Commission Expires: _____

THE STATE OF TEXAS

This instrument was acknowledged before me on January, 1987, by Artie Hudson, a general partner, on behalf of A. D. S. General Partnership, a partnership.

Bennie Anderson
Notary Public, State of Texas

BENNIE ANDERSON
Notary Public, State of Texas
My Commission Expires 5-04-89

Notary's name (printed)

My Commission Expires: _____

THE STATE OF TEXAS

This instrument was acknowledged before me on January
31, 1987, by Dennis Dement, a general partner on behalf of
A. D. S. General Partnership, a partnership.

Bennie Anderson
Notary Public, State of Texas

BENNIE ANDERSON
Notary Public, State of Texas
My Commission Expires 5-01-89
Notary's name (printed)

My Commission Expires: _____

288.194rc

288.194rc

Law Offices of
MINTON, BURTON, FOSTER & COLLINS, P.C.
1100 Guadalupe Street
Austin, Texas 78701
512-476-4873

Pick Up & Delivery Receipt

Date: 2-3-88 Time: 10:55 AM
From: Dennis D. Dement
ADS Investment

Deliver To:
 Pick Up From: Ida Meehan
Name: City of Austin
Address: 2401 S. Lamar

Need By: _____

Special Instructions: Hand Deliver
Restrictive Covenant

Delivered by: _____

Received by: Carol K...

Date: _____ Time: _____

re:

CONDITIONS OF ZONING
OAK HILL AREA STUDY
C14-85-288

See Map
dated April 16, 1986

A. The following conditions apply to all property contained within the boundaries of the Oak Hill Area Study, zoning case C14-85-288:

- 1. No development on slopes with a gradient of 15% or greater.
- 2. Compliance with applicable watershed ordinances, as may be amended from time to time, except properties grandfathered from the provisions of the Williamson Creek Watershed Ordinance.

For grandfathered properties, the following is recommended:

Compliance with all provisions of the Williamson Creek Watershed Ordinance, as may be amended from time to time, except Sections 203.3(c), (d) and (e) of Part 1 and all of Part 2 of ordinance 801281-W and part of Section 101.2 (b) reading "... or to a development within a recorded subdivision which was finally approved or disapproved by the Planning Commission prior to December 18, 1980 [.]" and all of Sections 103.3 (c), (d), and (e) of ordinance 810319-M.

B. Conditions that apply to properties whose zoning requests were heard by the Planning Commission Subcommittee are stated on a separate list dated ~~March 11~~ ^{April 16}, 1986.

C. The following additional condition applies to all properties zoned SF-6:

- 1. Maximum impervious coverage of 50%.

D. The following additional conditions apply to all properties zoned MF-1:

- 1. Maximum impervious coverage of 50%.
- 2. Maximum density of 13.5 units per acre.

E. The following additional conditions apply to all properties zoned NO, LO, and GO:

- 1. Maximum impervious coverage of 65%, except where coverage is more limited by a specific condition.
- 2. Maximum F.A.R. of .25 to 1, except in cases in which a maximum building square footage is stated as a specific condition.

Note: This property has not been annexed by the City of Austin.

3. Staff Recommendation: LO (7.7 acres)

LO zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 50%.
- b. Limited to one curb cut along S.H. 71.

4. Staff Recommendation: LR (2.96 acres)

LR zoning is recommended subject to the following additional conditions:

- a. No curb cuts within 300 feet of each other.
- b. No curb cuts along Mountain Shadows Drive.

5. Staff Recommendation: CS (2.73 acres)

CS zoning is recommended subject to the following additional condition:

- a. Limited to one curb cut along Old Bee Cave Road and one curb cut along Bell Drive.

6. Staff Recommendation: LR (5.9 acres)

LR zoning is recommended subject to the following additional condition:

- a. Limited to two curb cuts along Old Bee Cave Rd.

7. Staff Recommendation: LO (2.5 acres)

LO zoning is recommended subject to the following additional condition:

- a. Limited to one curb cut along Old Bee Cave Road.

8. Staff Recommendation: GR (23 acres)

GR zoning is recommended subject to the following additional condition:

- a. Limited to two curb cuts along S.H. 71.

9. Staff Recommendation: LO (10.7 acres)

LO zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 50%.
- b. Limited to two curb cuts along S.H. 71.

10. Staff Recommendation LO (2.05 acres)

LO zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 35%.
- b. Limited to one curb cut along S.H. 71.

11. Staff Recommendation LO (9 acres)
 GR (6 acres)
 LR (4 acres)
 IP (24.23 acres)
 ROW (remaining)

LO and IP zoning is recommended subject to the following additional conditions:

- a. IP use restrictions (See attachment #2).
- b. Maximum F.A.R. of .10 in the Barton Creek Watershed.
- c. Site plan review for tracts adjacent to Boston Lane.

12. Staff Recommendation GO (.68 acres)

GO zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 35%.

13. Staff Recommendation SF-6 (7.6 acres)

SF-6 zoning is recommended subject to the following additional condition:

- a. Limited to a maximum density of 7.5 u.p.a.

14. Revised Staff Recommendation: LR (.91 acres)

LR zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 35%.

Note: Condition applies to any redevelopment of property.

15. Revised Staff Recommendation: LR (.45 acres)

LR zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 35%.

Note: Condition applies to any redevelopment of property.

16. Staff Recommendation: SF-6 (7.7 acres)

SF-6 zoning is recommended subject to the following condition:

- a. Limited to a maximum density of 7.5 u.p.a.

17. Staff Recommendation: CS (9.34 acres)

CS zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 50%.

18. Staff Recommendation: GR (4.8 acres)

GR zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 35%.
- b. No curb cuts within 300 feet of each other.

Note: Conditions apply to any redevelopment of the property.

19. Staff Recommendation: GR (3.4 acres)

GR zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 35%.
- b. No curb cuts within 300 feet of each other.

Note: Conditions apply to any redevelopment of the property.

20. Staff Recommendation: GR (2.5 acres)

GR zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 35%.
- b. No curb cuts within 300 feet of each other.

21. Staff Recommendation: CS (1.59 acres)

CS zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 35%.

22. Staff Recommendation: LR (8.4 acres)

LR zoning is recommended subject to the following additional condition:

- a. No curb cuts within 300 feet of each other.
- b. Maximum impervious coverage of 35 %.

Note: Conditions apply to any redevelopment of the property.

23. Staff Recommendation: CS (5.74 acres)

CS zoning is recommended subject to the following additional conditions:

- a. CS limited to the existing use, or the restricted CS uses identified in attachment #1.
- b. Retention of existing home.
- c. Any development is subject to compliance with the compatibility standards.
- d. A visual screen of at least 6 feet in height to buffer the CS use.
- e. Should subdivision occur, then full compliance with the Williamson Creek Watershed Ordinance.

Oak Hill Restrictive Coverments
Status Report
September 8, 1987

2a
2c

- a) C14-85-288.3A Haskell & Jean Hudson; 7924 U.S. 290 West
1) On 9-24-87 agenda.
- b) C14-85-288.3B Haskell & Jean Hudson; 7936 U.S. 290 West
1) On 9-24-87 agenda.
- c) C14-85-288.16 Haskell & Jean Hudson; 6703 Wolfcreek Pass
1) RC sent to attorney for owners.
- d) C14-85-288.21 Jerry Angerman.
1) RC sent to attorney for owner.
- e) C14-85-288.23 Stephen Simon
1) RC sent to Ida for review. Needs field notes.
- f) C14-85-288.30 Sanford Hurwitz
1) RC done and sent to owner for signature 5-14-87.
- g) C14-85-288.31 Ray F. Atkins
1) RC sent to owner.
- h) C14-85-288.32 M.D. Lowe
1) Draft RC per request.
- i) C14-85-288.35 Lonnie Cooper; 7805-7810 Old Bee Cave Rd.
1) RC sent to agent for owner.
- j) C14-85-288.37 J.T. Lanehart Electric
1) On 9-24-87 agenda.
- k) C14-85-288.38 Tommy Nelms
1) RC sent to Ida for review.
- l) C14-85-288.40 H.E. & Wilma Thomas
1) RC sent to owners.
- m) C14-85-288.41 Ray D. Robertson
1) RC sent to agent for owner.
- n) C14-85-288.43 HCA Properties Inc.
1) Revised RC sent to attorney for owner.
- o) C14-85-288.57 John Gould & Alexander Lee
1) RC drafted and sent to Ida to review. Also waiting for 3 sets of field notes.
- p) C14-85-288.58 Evelyn & Marvin Bassford
1) Revised RC sent to owners.
- q) C14-85-288.61 Bud Johnson
1) Needs street deed; revise per Ida's instructions.
- r) C14-85-288.85A Haskell & Jean Hudson
1) RC sent to Jim Huber for review. Needs certified field notes.
- s) C14-85-288.85B Jerry Dixon
1) RC sent to Jim Huber for review. Needs certified field notes.
- t) C14-85-288.85C B.D. Collier
1) RC sent to Jim Huber for review. Needs certified field notes.
- u) C14-85-288.93 Mt. Olive Lutheran Church
1) RC sent to owner.
- v) C14-85-288.100A KMW Associates; 8303-8311 Hwy 71 West
1) RC drafted; need field notes to complete. *RC done,*
- w) C14-85-288.100B Andrew & Sylvion Kivlin; 8317 Highway 71 West
1) RC done. Must wait for field notes from owner to complete.

23

Drive

- 1) RC sent to owners.
- ✓ y) C14-85-288.101 Haskell & Jean Hudson; 6707 Hill Oaks Drive
1) RC sent to attorney for owners.
- ✓ z) C14-85-288.103A Elry & Barbara Hudson; 8016 U.S. 290 West
1) RC sent to owner.
- ✓ ad) C14-85-288.103B Elry & Barbara Hudson; Adjoins 8016 U.S. 290 West
1) RC sent to owner.
- ? ~~ab)~~ C14-85-288.106 Cedar Wholesale Supply Co.
1) RC sent to owners.
- ac) C14-85-288.118 Saddleback Joint Venture
1) RC sent to agent for owner.
- ad) C14-85-288.136
1) RC sent to owner 4-24-87.
- ✓ ae) C14-85-288.138 Betty J. Oliver
1) RC sent to owner.
- af) C14-85-288.139 Howard Kells; 8739 Old Bee Caves Road
1) RC sent to Ida for review.
- ag) C14-85-288.153 B.J. & Pearl Bartley
1) RC sent to owners.
- ah) C14-85-288.154 B.D. & Thelma Collier
1) RC sent to owners.
- ai) C14-85-288.158 Travis Cook Joint Venture
1) Need change of zoning categories to place on agenda.
- aj) C14-85-288.162 Gerald & Bettina Powell
1) RC sent to owners.
- ak) C14-85-288.164 Oak Hill Plaza
1) RC sent to owners.
- al) C14-85-288.165 Lillian L. Porter
1) RC done; needs field notes
- am) C14-85-288.166 Boston Lane G.L.S. Joint Venture
1) RC sent to owner.
- an) C14-85-288.167 Dan B. Priest
1) RC sent to owner.
- ao) C14-85-288.168A & C14-85-288.168B Haskell & Jean Hudson
1) On 9-24-87 agenda.
- ap) C14-85-288.170 Sherill Jeter, Merry Miller
1) Revised RC sent to agent for owners.
- aq) C14-85-288.180 Haskell & Jean Hudson; Corner of Haskell Drive & Boling Drive near U.S. 290 West
1) On 9-24-87 agenda.
- ar) C14-85-288.181 Haskell & Jean Hudson; 6707 Hilloaks Drive
1) On 9-24-87 agenda.
- as) C14-85-288.182 Haskell Hudson, E.A. Hudson, & Erlene Reynolds; intersection of S.H. 71 & U.S. 290
1) RC sent to owners.
- ✓ at) C14-85-288.183 Haskell & Jean Hudson; 6765 U.S. 290 West
1) On 9-24-87 agenda.
- ✓ ad) C14-85-288.184 Haskell & Jean Hudson; 6753 U.S. 290 West
1) On 9-24-87 agenda.
- ✓ av) C14-85-288.185 Haskell & Jean Hudson; 6739 U.S. 290 West
1) On 9-24-87 agenda.
- ✓ ax) C14-85-288.186A Elry & Barbara Hudson; 7800 Hwy 71 West
1) RC sent to owners.

4. C14-04-0071 – DENNIS DEMENT & ASSOCIATES (Dennis Dement), By: City of Austin – Neighborhood Planning & Zoning Department (Glenn Rhoades), 8423 State Hwy. 71 West. (Williamson Creek). **FROM I-RR TO LR. ALTERNATE RECOMMENDATION: LO. City Staff: Glenn Rhoades, 974-2775. POSTPONED FROM 6-15 (STAFF), 7-20 (APPLICANT).**

SUMMARY

Glenn Rhoades, staff – “The applicant is requesting a zoning change from I-RR to LR. Staff’s alternate recommendation is LO zoning. In 1985 the subject tract was proposed to change from I-RR to LO as part of the Oak Hill Area Study, but due to error, the case only went to Council first reading only and the change was not completed. Staff agreed to initiate this case from LO, which was originally approved by Council in 1st reading. However, the applicant is now seeking LR zoning. At this time, according to current maps, the entire site is in the 100-year floodplain; about 3-years ago the Oak Hill Area Regional Detention Facility was constructed by the city and right now the Watershed Protection Development Review Department is attempting to reassess the floodplain maps to determine if the detention facility has altered the floodplain; that has not been completed at this time. Staff’s recommendation is LO, instead of LR because that is what was recommended with the Area Study and what was approved by Council in 1st reading in 1985. In the immediate vicinity the zoning has remained consistent with the study, with the exception of the LR tract at the corner of 290 and Silver Mine. Although it is zoned LR, the present use is for office”.

Commissioner Baker – “How long will it take to complete the study?”

Mr. Rhoades – “I did not get a date from Watershed”.

Commissioner Jackson – “Didn’t we hear this about 1-year ago? The study was going to be about a few months projected to be completed in a couple of months...”

Mr. Rhoades – “That’s true; the word that I got recently is that it has not been completed yet”.

Commissioner Whaley – “Is this a 1704 site?”

Mr. Rhoades – “I don’t know”.

Commissioner Whaley – “Is it described in subdivision in lot or by acreage?”

Commissioner Rhoades – “I didn’t pull the subdivision for this case”.

Commissioner Baker – “It should be on the application”.

Mr. Rhoades – “I’m going to say no”.

Commissioner Baker – “How’s it described, legally?”

Mr. Rhoades – “The legal description; it is Oak Bridge Lot 1, Plat book 87, page 52 & 53”.

Commissioner Baker – “This has been dormant for almost 20-years and I think we really need the information on the floodplain; but we’ll hear from the applicant”.

Carl Conley, applicant – “I represent Mr. Dennis Dement; this property was included in the original 1985 Oak Hill Study and for whatever reason it was inadvertently left out of the rezoning. At that time, office was a reasonable use and at that time the applicant actually had a site plan in and the zoning was going to be based on that particular site plan. The property has sat dormant, the office market has gone through a significant bust and there is still office space available on the market, so office is not a viable use for this property at this time. Due to the fact that highway 290 and 71 widening and expansion and improvements to the intersection at the “Y” in Oak Hill, there has been a significant amount of LR and local retail use that has been displaced by that highway improvement. By granting this piece of property LR, he’ll allow these properties businesses to relocate in the vicinity near where they previously were doing business; otherwise, these properties will be forced to go further to the west along 71 to find property suitable for LR. Traffic is minimal so we feel that LR is a reasonable recommendation; this property will be subject to the Oak Hill Study conditions, so we anticipate that the site plan will be subject to the conditions stipulated in the Oak Hill Study. Back in 1985, the property was almost covered by the floodplain; the Oak Hill Regional Pond has been completed almost 3-years ago, the floodplain has reduced it just hasn’t gone through the FEMA process. The city’s Watershed Protection department has been working with CDM; that study has been submitted to the FEMA and in the process and they anticipate that to be completed in 6 or 9-months, whatever it takes to process it through, but it’s not years according to our understanding”.

Commissioner Jackson – “Is any of this tract under the modified floodplain out of the floodplain?”

Mr. Conley – “There’s a portion to the west that’s zoned RR and that projection would be fairly represented of where the new floodplain will be; approximately 80% of this tract would be outside the floodplain, based on the new FEMA map”.

Commissioner Baker – “Is that the 100-year; 50-year; 25-year floodplain?”

Mr. Conley – “100-year floodplain”.

Commissioner Baker – “Thank you”.

Commissioner Whaley – “Is this site eligible for 1704?”

Mr. Conley – “We don’t know; we’re following the City’s normal progression of doing zoning first; then site plan, we do not have a particular site plan, whether LO or some LR

use; as soon the property can be marketed, then we'll come and apply for whatever site plan and we'll address the 1704 issues at that time".

Commissioner Whaley – "So you think it's eligible for 1704?"

Mr. Conley – "I think it would be somewhat eligible or there will be a variance to the SOS; because under SOS the critical zone, you can have no construction; the entire property would be critical zone which would allow no construction, therefore, we're either anticipating a variance to SOS or we'll be able to work something out".

Commissioner Baker – "Was the owner compensated for any right-of-way taken?"

Mr. Conley – "To my knowledge, he was not".

FAVOR

No Speakers.

OPPOSITION

No Speakers.

Commissioner Hammond and Whaley moved to close the public hearing.

Commissioner Baker – "Can you tell me what's going on with the tract across the highway?"

Mr. Rhoades – "There's a pending zoning case across the street; originally the applicant came in to request CS; however, he has amended his application to LO-MU; staff's recommendation here was also LO because that's what was called for in the Oak Hill Area Study".

Commissioner Baker – "Thank you".

Commissioner Jackson – "I will make a motion to approve LO zoning".

Commissioner Baker – "I will second the motion".

Commissioner Jackson – "I think LO zoning is in compliance with the Oak Hill Study; I think we will like to see LO zoning down there; the issue of the floodplain, it will be resolved one day and hopefully the owner will have some use of this property and I think LO is a reasonable use".

Commissioner Baker – "I felt that he could have gotten it 20-years ago; and though I concur most of the time with Mr. Conley's planning principles, when I think of LR, I think of a convenience store and more traffic; than an office would bring. I do think that LO zoning is fair and reasonable".

Motion carried.

COMMISSION ACTION:

MOTION:

AYES:

ABSENT:

JACKSON, BAKER

APPROVED LO ZONING.

GOHIL, MARTINEZ, BAKER, DONISI,

HAMMOND, WHALEY, RABAGO,

JACKSON.

PINNELLI

MOTION CARRIED WITH VOTE: 8-0.